

IN THE UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

JON PATRICK HERDMAN,	:	
	:	
Plaintiff	:	
	:	
v.	:	CIVIL NO. 3:CV-12-1279
	:	
DAVID E. YEINGST, ET AL.,	:	(Judge Conaboy)
	:	
Defendants	:	

MEMORANDUM
Background

Jon Patrick Herdman filed this pro se civil rights action pursuant to 42 U.S.C. § 1983 while incarcerated at the Hazelton United States Penitentiary, Bruceton Mills, West Virginia (USP-Hazelton). His Complaint raised allegations pertaining to his prior confinement at the Perry County Prison, New Bloomfield, Pennsylvania. Service of the Complaint was previously ordered.

As part of a recent review of this matter, a search of the Bureau of Prison's Inmate Locator electronic database showed that Herdman had been released from BOP custody on October 24, 2014. The database did not provide a forwarding address for the Plaintiff. See Doc. 21.

Discussion

A copy of this Court's Standing Practice Order was mailed to Plaintiff on July 3, 2012. See Doc. 4. The Standing Practice Order provides in relevant part as follows:

A *pro se* plaintiff has the affirmative obligation to keep the court informed of his or her current address. If the plaintiff changes his or her address while this lawsuit is being litigated, the plaintiff shall immediately inform the

court of the change, in writing. If the court is unable to communicate with the plaintiff because the plaintiff has failed to notify the court of his or her address the plaintiff will be deemed to have abandoned the lawsuit.

Id., p. 4.

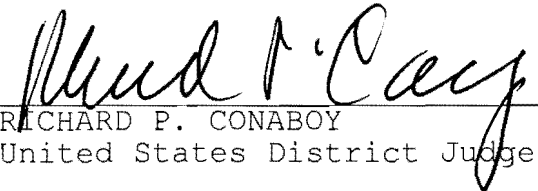
M.D. Pa. Local Rule 83.18 similarly provides that a pro se litigant has an affirmative obligation to keep the court informed of his or her address and must immediately inform the court if his or her address changes in the course of the litigation.

When a plaintiff fails to prosecute a case or comply with an order of court, dismissal of his action is appropriate. See Federal Rule of Civil Procedure 41(b); Link v. Wabash Railroad Co., 370 U.S. 626, 629 (1962). Although Herdman has been released from federal custody, he has not advised this Court of either his release nor has he provided it with his current address. Consequently, he has clearly failed to comply with the requirements of Local Rule 83.18.

In addition, Herdman has not made any filings whatsoever in this matter since June, 2013. Based upon those circumstances, it appears that Plaintiff is no longer interested in pursuing his claims against the Defendants.

Moreover, Herdman's failure has prevented this matter from proceeding. The inability of this Court to communicate with Plaintiff is solely the result of his own inaction and renders ineffective any sanction short of dismissal of the action. See Poulis v. State Farm, 747 F. 2d 863 (3d Cir. 1984). Since Herdman's present whereabouts are unknown, it would be a waste of judicial resources to allow this action to continue.

Based on the present circumstances, dismissal of this action without prejudice for failure to prosecute is warranted. However, in the event that Herdman provides this Court with his current address within a reasonable time period, this determination will be reconsidered. An appropriate Order will enter.


RICHARD P. CONABOY
United States District Judge

DATED: DECEMBER 10th, 2015

FILED
SCRANTON

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PER 
DEPUTY CLERK